

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AMERICAN PRESIDENT LINES
LTD.

Petitioner,

v.

ED LIM d/b/a OPTIMUM DYNAMICS,

Respondent.

No. C 07-5267 PJH

ORDER TO SHOW CAUSE

TO PETITIONER AMERICAN PRESIDENT LINES LTD:

YOU ARE HEREBY ORDERED TO SHOW CAUSE IN WRITING no later than November 10, 2008, why this action should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m).

On October 16, 2007, petitioner filed the present action seeking an order confirming an arbitration award against respondent Ed Lim d/b/a Optimum Dynamics. To date, petitioner has not filed a certificate of service of the summons and petition on respondent.

Under Federal Rule of Civil Procedure 4, "[i]f the defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time . . . [unless] the plaintiff shows good cause for the

1 failure . . . " Fed. R. Civ. P. 4(m).

2 Accordingly, no later than November 10, 2008, petitioner shall file a proof of service
3 of the summons and petition on respondent, or a statement showing good cause for the
4 lack of service. Failure to comply with this order will result in dismissal of the petition.

5
6 **IT IS SO ORDERED.**

7 Dated: November 3, 2008



PHYLLIS J. HAMILTON
United States District Judge